



5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of Plaintiff's Complaint and, therefore, denies the same.

6. Plaintiff did not include a Paragraph 6 of in its Complaint.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of Plaintiff's Complaint and, therefore, denies the same.

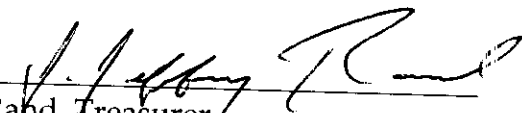
8. Defendant denies the allegations contained in Paragraph 8 of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES:

1. Defendant's Complaint fails to state a claim upon which relief may be granted.

WHEREFORE, this Defendant asks this Honorable Court to dismiss Plaintiff's Complaint and award Defendant its costs, reasonable attorney's fees and other relief deemed appropriate.

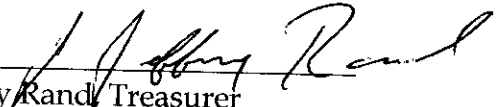
Dated at Westbrook, Maine this 9<sup>th</sup> day of January, 2004.

  
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J. Jeffrey Rand, Treasurer  
Stoneworks By Rand.

Stoneworks by Rand  
326 U.S. Rt 1  
Scarborough, Maine 04074  
(207) 885-5227

Certificate of Service

I, J. Jeffrey Rand, Treasurer of Stoneworks By Rand, the Defendant, do hereby certify that on the 9<sup>th</sup> day of January, 2004, I caused to be served upon the Plaintiff, Charles Easo, Trustee of the Massachusetts Bricklayers and Masons Health and Welfare Pension and Annuity Fund a conformed copy of the within Answer of Defendant with Affirmative Defenses by mailing a copy by prepaid overnight courier and addressed to his attorney, Catherine M. Campbell, Esq., Feinberg, Capmbell, and Zack, P.C., 177 Mild Street, Boston, MA 02109.

  
J. Jeffrey Rand, Treasurer